IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5066 OF 2005

Bharat B. Dhavan & Ors. ..Petitioners
V/s.
The Education Officer,
Secondary Zilla Parishad, Solapur & Ors. ..Respondents

Ms.A.R.S. Baxi for the Petitioners.

Mr.P.P. Kakade, AGP for Respondent Nos.1 to 3.

CORAM : F.I. REBELLO &
S.J. VAZIFDAR, JJ.
DATED : 20TH FEBRUARY, 2007.

P.C. :

1. Rule. Heard forthwith.

2. This Petition was disposed of on 9.8.2005. However, it appears that a Civil Application was filed. By an order dated 18.1.2007, in view of some subsequent events, the order dated 9.8.2005 was treated as an interim order. The Petitioner was allowed to amend the Petition to challenge the subsequent order and that is how the present Petition.

3. The case of the Petitioners is that by the present Petition what the Petitioners are claiming are their salaries for the period July, 2004 to September,

2004, considering that the grants were sanctioned for the school during the said period. The Petitioners before this Court according to the Petitioners, were granted approval from time to time. These approvals were stayed by the State Authority by an order dated 30.4.2005. Pursuant to Writ Petition No.5066 of 2005 which was filed, a learned Bench of this Court, found that the order dated 30.4.2005 would not be sustainable as no opportunity was given to the Petitioners to be heard before the order came to be passed. Accordingly, the Education Officer was asked to take a fresh decision after giving an opportunity to the parties, including the Management.

4. The Education Officer by a subsequent order dated 14.10.2005 proceeded on the footing that as the Petitioners had preferred Appeals, being Appeal Nos.137 to 146, before the School Tribunal for re-instatement, back wages and as those Appeals are pending, the matter could be considered after disposal of the Appeals. The learned counsel for the Petitioners points out that those Appeals were preferred, as sometime in October, 2005, the Petitioners were not allowed to discharge their duties and consequently that act, was impugned as termination and that is the issue before the Tribunal. The

Education Officer considering the order of this Court, was bound to comply with the terms of remand, as directed by this Court.

4. Having heard the learned counsel, in our opinion, even though the order dated 9.8.2005 is not to be treated as final, nonetheless the Education Officer was duty bound to comply with the order. We therefore, direct the Education Officer to dispose of the issue of approval within eight weeks from today irrespective of the pending Appeals.

5. Rule is made absolute accordingly. There shall be no order as to costs.

(S.J. VAZIFDAR, J.) (F.I. REBELLO, J.)